

**Notice of Allowability**

Application No.

10/764,077

Examiner

EMEM EKONG

Applicant(s)

KELKAR, KRIS

Art Unit

2688

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the patent application filed on January 23, 2004.
2. ☒ The allowed claim(s) is/are 2-8, 10-19, 21, 23-28 and 31-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 2-8,10-19, 21, 23-29, and 31-40 are allowed and are renumbered 1-35.

2. The following is an examiner's statement of reasons for allowance:

Consider claims 2, 7, and 11, the best prior art found during the examination of the present application, Petrus et al. (U.S. Patent No. 6,839,574 B2), fails to disclose a method and wireless communication wherein said media access controller compares the age of receive location information with a predetermined time coherence and said transmit processor is configured to provide a transmit signal to said antenna that is: spatially processed in accordance with said transmit location information if said age is less than said time coherence; and spatially processed in accordance with predetermined location information if said age exceeds said time coherence.

Petrus et al. discloses a method and wireless communication device (i.e. transfer station, base station) for communications with clients in a communication network (see col. 3 lines 37-41, where Petrus is discussing a base station, known to communicate with clients). Petrus discloses at least one antenna (see col. 3 lines 41-43). Petrus discloses a receive processor that processes receive signals from said antenna and provides corresponding receive location information (col. 3 lines 52-64, and col. 7 lines 25-37), (receiving uplink signals and determining angle of arrival (AOA) of signals from mobiles, i.e., the mobile relative estimated location to the base station). Petrus discloses a media access controller that receives signals from said receive processor and

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provides output signals for transmission; and a location-information transformer that transforms said receive location information into transmit location information (col. 7 lines 25-37, col. 7 lines 60-67, and col. 10 lines 12-35), (using the receive location information to form downlink beams, or directional signals, via hardware or software entities). Petrus discloses a transmit processor that provides transmit signals to said antenna in response to at least one of said output signals and said transmit location information (col. 3 lines 37-67; and col. 4 lines 14-28), (downlink beam forming of communications signals based on the receive location estimates and downlink calculations).

Petrus fails to disclose wherein said media access controller is configured to: command said transmit processor to spatially process an output signal carrying a channel reservation request in accordance with predetermined location information that corresponds to all of said clients; and command said receive processor to spatially process a receive signal to enhance receipt of a clear channel acknowledgment from one of said clients and to provide corresponding receive location information to said location-information transformer.

Therefore, this limitation, in conjunction with the other limitations recited in claims 13, and 28 is novel and unobvious in view of Petrus et al., and the prior art of record.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

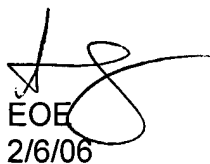
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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
EOE  
2/6/06

  
NICK CORSARO  
PRIMARY EXAMINER